

City Council Introduction: **Monday**, November 4, 2002

City Council Public Hearing: **Monday**, November 18, 2002, at **1:30 p.m.**

Bill No. 02R-263

County Board Public Hearing: **Tuesday**, November 26, 2002, at **1:30 p.m.**

FACTSHEET

TITLE: **COMPREHENSIVE PLAN AMENDMENT NO. 02002.4 (Proposal #4)**, requested by Kent Seacrest on behalf of Connie Heier and Patricia Slaughter, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change 215 acres from Agriculture to Low Density Residential, on property generally located at So. 112th to 120th Streets, south of Old Cheney Road.

STAFF RECOMMENDATION: **Denial.**

ASSOCIATED REQUEST: Change of Zone No. 3370 (02-166)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/16/02
Administrative Action: 10/16/02

RECOMMENDATION: **Approval** (5-4: Bills-Strand, Krieser, Larson, Duvall and Schwinn voting 'yes'; Steward, Carlson, Newman and Taylor voting 'no').

FINDINGS OF FACT:

1. This Comprehensive Plan Amendment and the associated Change of Zone No. 3370 were heard at the same time before the Planning Commission.
2. The staff recommendation to **deny** this comprehensive plan amendment request is based upon the "Status/Description" and "Comprehensive Plan Implications" as set forth in the staff report on p.2-3, concluding that this proposal for low density residential development should not be approved until acreage standards are developed. The area should remain designated for agriculture use in conformance with the Comprehensive Plan.
3. The applicant's testimony is found on p.4-6.
4. There was no testimony in opposition.
5. On October 16, 2002, the Planning Commission disagreed with the staff recommendation and voted 5-4 to recommend **approval** (Steward, Carlson, Newman and Taylor dissenting). See Minutes, p.6.
6. On October 21, 2002, a letter was sent to the applicant from Mike DeKalb of the Planning Department, pointing out several misstatements in the applicant's testimony to the Planning Commission on this Comprehensive Plan Amendment and Change of Zone request (p.24-26).
7. ***Editorial Note:*** Four other amendment proposals from Agriculture or Greenspace to Low Density Residential were deferred by the Planning Commission until the associated Comprehensive Plan studies come forward.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 29, 2002

REVIEWED BY: _____

DATE: October 29, 2002

REFERENCE NUMBER: FS\CC\2002\CPA.02002.4

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

Comprehensive Plan Amendment No. 02002 Proposal #4

Applicant	Location	Proposal
Kent Seacrest for Winona Ketchum, Connie Heier & Patricia Slaughter	S. 112 th - 120 th , south of Old Cheney Road	Change 215 acres of Agricultural land to Low Density Residential use for acreage development
Recommendation: Denial This proposal for low density residential development should not be approved until acreage standards are developed. Area should remain designated for agriculture use in conformance with the Comprehensive Plan.		

Status/Description

This property is across 112th Street from the Hidden Valley acreage subdivision. In all other directions this land is surrounded by agricultural uses and zoning. The adjacent roads of 112th, 120th, Old Cheney Road and Pine Lake Road are all unpaved County roads. This property is in the Stevens Creek drainage basin and is designated for Tier II urban development. The proposal is to develop with three acre lots which could be later “urbanized lots” of approximately 1 acre in size.

Comprehensive Plan Implications

The Comprehensive Plan provides for a sufficient area for acreage residential subdivisions. The vision of the Comprehensive Plan encourages preservation of productive farm land in the County.

This proposal is one of several acreage proposals in Stevens Creek. Approval of numerous requests for acreage subdivisions in Stevens Creek may lead to requests for additional services, such as the paving of adjacent streets prior to urbanization. Low density acreage subdivisions, even when developed with utilities to city standards, are very difficult and controversial to annex in the future. Acreage owners have expressed their opposition to annexation which most often leads to higher property taxes, changing school districts and substantial changes in the character of their area. Acreage residential development, even when provisions are made for changing three acres lots into one acre, leads to low density development within the city which is more expensive to provide with city services. The “urbanization” of these lots depends upon future owners wanting to subdivide their property at their own expense. It is quite possible that owners will choose not to subdivide at all. Acreage owners often oppose future urban uses when they are proposed on adjacent property. Legal agreements which restrict the owners right to oppose development is not practical, as future owners may not be aware of these requirements.

Placing acreage development in the area of future urbanization does not serve the needs of acreage owners, the city or future developers who would develop adjacent land. Approval of an acreage subdivision at this location will mean future acreage owners will have to undergo substantial change in the future. This hardship can be avoided by not approving this or any other acreage area in Tier II and III.

As called for in the Comprehensive Plan, three studies need to be completed in order to implement the Acreage Policy in the Tier II and III growth areas:

- (1) “Build Through” Design Standards, guidelines allowing for future acreage development to be converted to an urban-style configuration when they are brought into the City;
- (2) Cost of Service Review, an independent analysis of the economic and quality of life impacts of acreage development; and
- (3) Performance Standard “Point System”, allow for higher density acreage development when certain criteria are met.

The Comprehensive Plan states that the studies should be finished within one year from the adoption of the Plan.

Public Works has noted in their staff report that proposals regarding low density residential developments should not be approved until acreage standards are developed.

Lower Platte South Natural Resources District has requested in their report that any amendment to the Comprehensive Plan recognize the planned flood control structure included on this site.

Conclusion

Until the completion of these studies and development standards are adopted, proposals regarding low density residential developments should not be approved.

COMPREHENSIVE PLAN AMENDMENT NO. 02002.4
PROPOSAL #4
So. 112th to 120th Streets, South of Old Cheney Road
and
CHANGE OF ZONE NO. 3370

COMPREHENSIVE PLAN AMENDMENT NO. 02002

14 LAND USE PROPOSALS.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 16, 2002

Members present: Steward, Bills-Strand, Krieser, Larson, Carlson, Newman, Taylor, Duvall and Schwinn.

Steve Henrichsen of Planning staff advised the Commission that these are the 14 land use proposals which came before the Planning Commission last April during the Comprehensive Plan update. The Planning Commission had recommended that these proposals be held over, and the City Council and County Board agreed. Proposal #1 requested by the School Sisters of Christ the King will not be heard today. The applicant previously requested that this proposal be deferred.

(Editorial Note: The Commission held public hearing on all 13 land use proposals before taking administrative action on any of them. Once the public hearing was closed, the Commission went back to Proposal #2 and voted on each proposal separately. For purposes of organization and clarity, the action taken by the Commission at the close of the public hearing is being inserted with the appropriate proposal within this minutes documents.)

COMPREHENSIVE PLAN AMENDMENT NO. 02002

PROPOSAL #4

and

CHANGE OF ZONE NO. 3370

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 16, 2002

Members present: Steward, Bills-Strand, Krieser, Larson, Carlson, Newman, Taylor, Duvall and Schwinn.

Staff recommendation: Denial of both the Comprehensive Plan Amendment and the Change of Zone. If the Comprehensive Plan Amendment is approved by the Planning Commission, staff recommends that the Change of Zone also be approved.

Proponents

1. Kent Seacrest appeared on behalf of the applicants, **Connie Heier and Patricia Slaughter**. Winona Ketelhut is not an owner of any of the property and is not a party to this proposal. Seacrest also requested that the associated Change of Zone No. 3370, Item No. 3.5 on today's agenda, be read

into the record to be heard at the same time as this Comprehensive Plan Amendment. The Commission agreed and the Clerk read Change of Zone No. 3370 into the record.

The purpose of the change of zone from AG to AGR is to allow acreage development on approximately 220 acres.

Seacrest noted that there are four other proposed Comprehensive Plan Amendments being considered today for low density residential and staff is recommending denial. He believes the fact pattern on this proposal is different from the others in many ways. Seacrest's clients have had plans to develop this property into acreages for over 5 years, but there was something called the East Beltway Study and all discussion of rezoning in this corridor was prohibited. These applicants were good corporate citizens and waited. Then it became time to do the new Comprehensive Plan. Again, these applicants went through the proper process. They applied over a year ago for the Comprehensive Plan designation and went through the Comprehensive Plan process. During that process acreage development became controversial. Seacrest came along with others to propose the "build-through" acreage model that was adopted as part of the Comprehensive Plan. To his clients' credit, they also endorsed the build-through model.

Then at the time of the approval of the Comprehensive Plan, the Planning Commission decided to delay this proposal and then "we became known as the 'twilight zone'". When we are here today, what standard are you judging us on? The old plan, or the new plan (which the Commission could have voted on that day and chose not to)? The Mayor tried to address the "twilight zone" issue and Seacrest read from the Mayor's letter dated June 11, 2002:

"...I also understand the consideration of "fairness" and the difficulty these transitional situations present in reviewing proposed development. As such, I am prepared in this case to support the Commission, Council and Board should you choose to review these applications using the standards from the prior Comprehensive Plan. ...".

Seacrest believes this should be the standard followed. Thus, Seacrest went on to state that within this section there are eight existing acreage developments. Immediately to the west across 112th Street there are 44 acreage developments. We have Old Cheney Road and Pine Lake Road. The property can be served by a rural water district. The Stevens Creek Master Plan shows a NRD detention pond on our site. This is a great mixed-use opportunity. The staff report even indicates that we do not have primary soil. There are two school sites, churches, parks and a new shopping center in the near area, providing all the urban type services. Seacrest submitted that this proposal meets and exceeds the prior Comprehensive Plan standard for acreage designation.

As far as the new Comprehensive Plan, Seacrest pointed out that this property is shown as Tier II (acreages are prohibited in Tier I). It provides that Tier II and Tier III should be based upon a "build-through" model. That model suggests that where and when you come in with the rural standard of 3-5 acres, with rural water, rural sewer, and rural roads, you must master plan so that you can bring in the urban services if and when they are ready to come in, i.e. show where the utility corridors are and agree that they can be split.

Seacrest pointed out that the staff recommendation of denial again asks these applicants to wait for 3 more studies which have been incorporated in the new Comprehensive Plan. Pursuant to the Mayor's letter of June 11, 2002, Seacrest believes that this proposal should be judged on the prior standards as opposed to waiting for the three studies. With the ability to have rural water, this proposal does not have a water quantity or quality problem, and we have repeatedly pledged to submit a preliminary plan based on the "build-through" model. Seacrest purported that there is no reason to turn this down. Approving this request will not "let the horses out of the barn". There are only four applications that were submitted prior to the Comprehensive Plan. This is not going to set a precedent. This proposal clearly meets the standards of the old Plan, which, according to the Mayor, is the "fair standard". Seacrest looks forward to working on the "build-through" model. He believes this proposal can meet the spirit of the new Plan.

There was no testimony in opposition.

Public hearing was closed.

COMPREHENSIVE PLAN AMENDMENT NO. 02002.4

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 16, 2002

Bills-Strand moved approval, seconded by Duvall.

Steward commented that in spite of the applicant's appeal for "fairness", he believes "appropriateness" is a better issue. He believes too much has happened since the approval of the Beltway and the Comprehensive Plan to make this an appropriate location for the proposed use and he will oppose the motion.

Newman agreed with Peter Katt's testimony on Proposal #5. It's either all or nothing, and she will be voting against all of the acreage proposals until we get that "build-through" model.

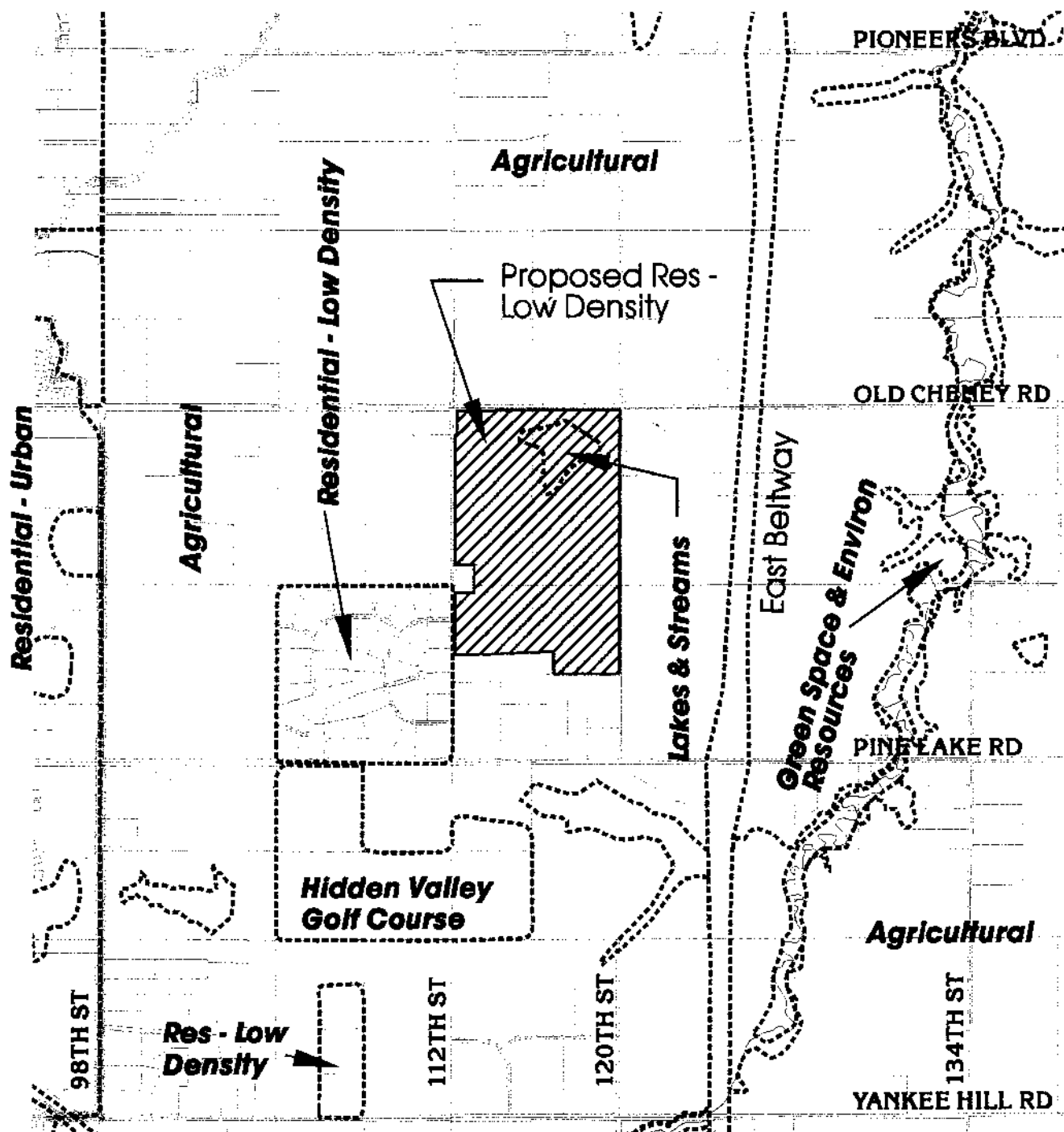
Motion for approval carried 5-4: Bills-Strand, Krieser, Larson, Duvall and Schwinn voting 'yes'; Steward, Carlson, Newman and Taylor voting 'no'.

CHANGE OF ZONE NO. 3370

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 16, 2002

Duvall moved approval, seconded by Newman and carried 5-4: Bills-Strand, Krieser, Larson, Duvall and Schwinn voting 'yes'; Steward, Carlson, Newman and Taylor voting 'no'.



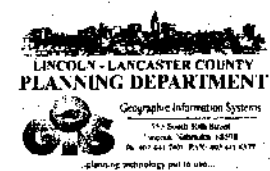
112th & Old Cheney Rd

Comprehensive Plan Proposal # 4

- Future Service Limit
- Land Use Boundary
- Res** Land Use Category
- From Agricultural to Res - Low Density



Scale: 1 inch = 2300 feet



007

~~area and financial implications. Impacts to the acreage homeowners and the City of Lincoln can be avoided by locating acreages in areas outside of future urban growth areas.~~

Note: Amend Acreage Development Policy Map on Page F73 to reflect the above text.

Acreage Request # 2

I hereby move to amend the 2025 Lincoln City-Lancaster County Comprehensive Plan (41K) to read as follows:

Amended LINCOLN / LANCASTER COUNTY LAND USE PLAN to show "Residential, Low Density" for the property between S. 112th - 120th, south of Old Cheney Road as shown on the attached map.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Requested by: SEACREST & KALKOWSKI, P.C. on behalf of **Winona Ketelhut, Connie Heier and Patricia Slaughter**, who own property in the Stevens Creek basin (Lots 14, 16, 18, 19 and the Parcel indicating 27.25 acres in Section 18, Township 9N, Range 8E) between 112th and 120th Streets and between Old Cheney Road and Pine Lake Road, approximately 215 acres.

PIONEERS BLVD

1. There are presently 8 abutting acreages within the immediate section.
2. There are 44 acreage home sites, known as Hidden Valley Estates, immediately to the west.
3. Old Cheney Road & Pine Lake are already paved to the Property at 112th Street. Lancaster County has near term plans to asphalt Old Cheney Road along the north boundary of the Property.
4. The Property can be served by the Lancaster County Rural Water District No. 1. There are already two existing Rural Water District easements on the Property.

Residential - Low Density

OLD CHENEY RD

Proposed Res - Low Density

PINE LAKE RD

Residential - Urban

Agricultural

Hidden Valley Golf Course

Agricultural

98TH ST

112TH ST





120TH ST

134TH ST

YANKEE HILL RD

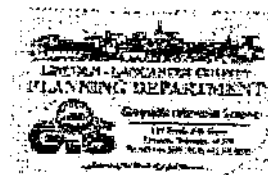
112th & Old Cheney Rd

Comprehensive Plan Proposal # 8

-  CPC Future Service Limit
-  Land Use Boundary
-  Land Use Category
-  From Agricultural to Res - Low Density



Scale: 1 inch = 100 feet



SEACREST & KALKOWSKI, P.C.

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3905

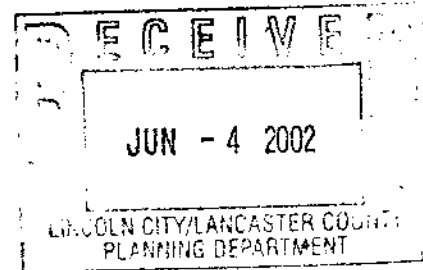
TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100
E-MAIL: cathie@sklaw.inetnebr.com

KENT SEACREST
DANAY KALKOWSKI

COPY FOR
YOUR INFORMATION

June 3, 2002

Kent Morgan
Interim Planning Director
County-City Building
555 South 10th Street
Lincoln, NE 68508



RE: Request for AGR Zoning

Dear Kent:

Congratulations on guiding this community through the approval of the new Comprehensive Plan. Overall you must be pleased. I know the acreage policy did not end up the way the Planning Department wanted. However, what is important now is to work together on the new build through model.

As you know, our law firm represents Patricia Slaughter and Connie Heier in regards to their property between 112th and 120th Streets and between Old Cheney Road and Pine Lake Road, approximately 215 acres (Lots 14, 16, 18, 19 and a 27.25 acre parcel in Section 18, Township 9N, Range 8E). Previously, we submitted a comprehensive plan amendment request that the subject Property be shown as Residential, Low Density in the new Comprehensive Plan. That request was deferred by the Planning Commission, along with approximately 16 other site specific requests. It is our understanding that the comprehensive plan amendment requests will have a public hearing in front of the Planning Commission this summer.

Enclosed herein please find Change of Zone Application from AG to AGR in regard to the Property. We would appreciate it if this Change of Zone could have a public hearing the same day as our comprehensive plan amendment.

We are making this request with the commitment and understanding that the proposed acreage development on this tract would be done under a proposed build through model and not the traditional acreage model. Under normal circumstances, we would also be submitting a community unit plan/preliminary plat. However, I have advised the client not to proceed to detailed and costly engineering until there is more dialogue with the Planning Department, Public Works and County Engineer's Office as to the proposed criteria for the build through model.

The Property will be master planned to protect and enhance the proposed NRD water and stormwater improvements, wetlands and other natural open spaces. The first stage 'acreage' build out of the Property will be an AGR Community Unit Plan, based upon an average 3+ acre lot size with septic tanks and either well or Rural Water District water. The AGR lot layout, street right of way and utility corridors will be designed to accommodate urban "type" central water, sanitary sewer and other utilities when such services are available to this section of the Stevens Creek basin. The average 3+ acre lots in the first stage acreage build out will be designed to be someday individually replatted into 3 or more smaller lots (per the R-3 zone) which will accommodate urban density and the City's central utility distribution and collection systems.

This second stage 'urban' build out of development would occur if and when City urban services are available to the site based upon the orderly urban development of the Stevens Creek basin. This planned AGR first stage acreage build out/R-3 second stage urban build out will accommodate housing demands in this portion of the County and still provide the orderly and planned transition into the City limits at a later date.

We believe it is appropriate to zone the Property as Residential, Low Density in the new Comprehensive Plan for the following additional reasons:

1. The balance of Section 18, Township 9N, Range 8E to the south already includes eight (8) existing acreages.
2. Immediately across 112th Street and west of the Property, there are 44 acreage home sites known as Hidden Valley Estates and developed by Mary Joe Livingston. Hidden Valley Golf Course is also across the street to the south.
3. Old Cheney Road is already paved to the Property at 112th Street and Old Cheney Road. Lancaster County has near term plans to continue the asphalt pavement to the east and pave Old Cheney Road along the north boundary of the Property. Similarly, Pine Lake Road is already paved to this Section at 112th Street and Pine Lake Road. And again, Lancaster County has plans to extend the Pine Lake Road paving to the east along the south section line.
4. The Property can be served by the Lancaster County Rural Water District No. 1 and there already exists two Rural Water District easements on the Property.
5. The NRD's Stevens Creek Plan shows a stormwater dam in the northeast corner of the Property on 120th and Old Cheney Road. This stormwater improvement is scheduled to start and be completed by the end of 2002. Our client would like to work toward making the stormwater improvement and surrounding area a more attractive amenity.

6. Two Lincoln Public School sites, residential housing developments, a new regional shopping area and other residential amenities and support services have recently been sited within one and a half miles of the Property.

We would appreciate you processing the AGR change of zone application. If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

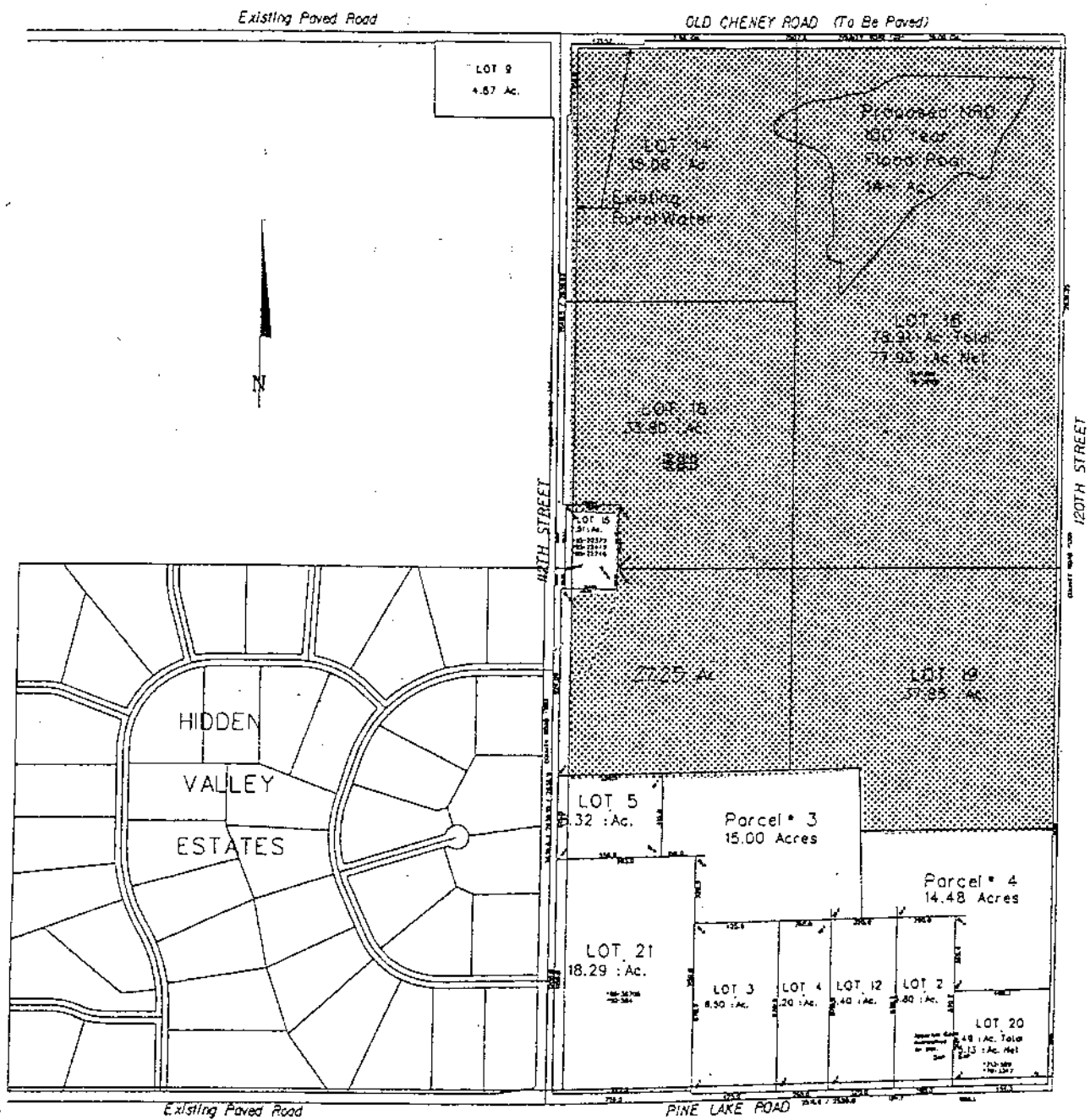


KENT SEACREST

For the Firm

Enclosure

cc with enclosure: Patricia Slaughter
Connie Heier



Legal Description

Lots 14, 16, 18, 19 and a 27.25 acre parcel in Section 18, Township 9N, Range 8E,
Lancaster County, Nebraska

Proposed Comprehensive Amendment 02002

The Public Works Department has completed review of the proposed Comprehensive Plan Amendments. Please be reminded that these proposed land use amendments do not contain the necessary specifics to identify improvements to the transportation network. We have addressed each of the proposed amendments separately, however, the following comments would also apply to the individual analyses:



GENERAL COMMENTS:

- a. For future arterial street projects (2 lanes + 1 center turn lane and 4 lanes + 1 center turn lane), the right-of-way is generally 120' in width, while arterial street projects which are 6 lanes + 1 center turn lane have a right-of-way width of 140'. Projects occurring at the intersection of two arterial streets will warrant the further dedication of public right-of-way up to 130' in width for a distance of approximately 700' in all directions as measured from centerline.
- b. All full access points shall be located only at the quarter mile and half mile points. All other access locations to major streets shall be relinquished and established on side streets.
- c. As a minimum, the construction of a 2 lane + 1 center turn lane suburban roadway cross section shall be a condition of the annexation/off-site improvement agreement.
- d. Approval of proposals regarding low density residential developments should not be approved until acreage standards are developed

AMENDMENTS:

1. *4100 SW 56th Street* - Under the current Comp Plan the area is shown outside the service limit. This proposal would amend the service limits to include this property. We would also need to address the transportation network in this area as the current Comp Plan does not show any roadway improvements adjacent to the site.

TIER II

- 2a. *UNL Downtown Campus Area* - This area is in the service limit of the current Comp. Plan. The intricacies of the UNL Master Plan have been reviewed and addressed in conjunction with the Antelope Valley Project.
- 2b. *UNL East Campus Area* - This area is in the service limit of the current Comp. Plan. The intricacies of the UNL Master Plan are reviewed when

roadway/utility projects are scheduled in the area.

3. *South 82nd & Roca Road* - Under the current Comp Plan the area is shown outside the service limit. As previously stated, acreage standards have not yet been developed for Low Density Residential development. We will also need to address the transportation network in this area as the current Comp Plan does not show any roadway improvements adjacent to the site.

OUTSIDE TIER III



4. *112th & Old Cheney Rd.* - Under the current Comp Plan the area is shown outside the service limit. As previously stated, acreage standards have not yet been developed for Low Density Residential development. We will also need to address the transportation network in this area as the current Comp Plan does not show any roadway improvements adjacent to the site.

TIER II

5. *112th & Pine Lake Rd.* - Under the current Comp Plan the area is shown outside the service limit. As previously stated, acreage standards have not yet been developed for Low Density Residential development. We will need to address the transportation network in this area as the current Comp Plan does not show any roadway improvements adjacent to the site.

TIER II

6. *SW 70th & W. Van Dorn Streets* - The area shown is outside the service limit. As previously stated, acreage standards have not yet been developed for Low Density Residential development. We will need to address the transportation network in this area as the current Comp Plan does not show any roadway improvements adjacent to the site.

TIER II

7. *N. 84th Street & Waverly Rd.* - Under the current Comp Plan the area shown is outside the service limit. As previously stated, acreage standards have not yet been developed for Low Density Residential development. We will need to address the transportation network in this area as the current Comp Plan does not show any roadway improvements adjacent to the site.

TIER III

8. *Hwy. 6 & N. 162nd Street* - Under the current Comp Plan the area shown is outside the service limit. The specifics of this proposed Industrial development have not yet been identified. We will need to address the transportation network in this area as the current Comp Plan does not show any roadway improvements adjacent to the site. Access to Hwy. 6 is somewhat restricted due to the at-grade rail crossing located on the south side of the development.

OUTSIDE TIER III

PUBLIC WORKS AND
UTILITIES DEPARTMENT



MEMORANDUM

Date: August 15, 2002

To: Mike DeKalb

From: Nicole Fleck-Tooze

Subject: *Comprehensive Plan Amendment Nos. 02001 & 02002*
2025 Comprehensive Plan Land Use Proposals
E-3 Addition to 2025 Comprehensive Plan

cc: Allan Abbott, Ben Higgins, Devin Biesecker
Duncan Ross

Amendment No. 02001

The E-3 Urban Growth Zone will be part of our next Watershed Master Plan for the Stevens Creek basin. Proposals A and B are in the uppermost part of the basin outside of the floodplain, but will need to be considered for future stormwater runoff relative to both quantity and quality of water. Stevens Creek in general will be challenging for watershed planning both from the perspective of completing a master plan in advance of development as well as projecting effects on the watershed from future urban growth beyond the 25 year planning period. We will take into consideration any existing land use designations and will also need to project beyond the planning period to accommodate future urban growth in our model.

Amendment No. 02002

Proposals 1-3, 7, 10-11, 13.

No Comment.

Proposal 4.

There is a pond proposed in this area based upon the Stevens Creek Watershed Plan. We understand that the Lower Platte South NRD is providing comments related to this issue.

Proposal 5.

There are some wetlands in this area identified on the National Wetlands Inventory. There may also be some unmapped floodplain associated with the tributaries. While the existing Green Space designation is most compatible with these elements, without a layout it is difficult to determine whether the area could accommodate residential development without impacts.

INTER-DEPARTMENT MEMORANDUM

DATE: August 14, 2002

TO: Mike DeKalb, Planning Department

FROM: Mark Bauer, Public Works & Utilities - Wastewater

SUBJECT: Comp. Plan Amendment # 02002

COPIES: Allan Abbott, Steve Masters, Gary Brandt

Proposal 1

This area lies within the Haines Branch drainage basin (SW-2 sub-basin). Sewer service to this area, or any area within this basin that is west of the current service area around the State Regional Center, will require the construction of a new trunk sewer system from the Salt Creek trunk sewer near South 3rd and Van Dorn. The distance from this location to the proposed area is approximately 4 miles. The existing Haines Branch sewer system was originally designed to serve only the current service area. Proposed development in the south, southwest and west tributaries of Salt Creek will all use the future capacity of the Salt Valley Relief Sewer. The proposal area is beyond the 25-year planning period.

Proposal 2a and 2b

Modification of the land use designations for the UN-L campuses should not have an impact on the wastewater system. Any changes in use or density that might affect system capacity will have to be addressed on a case-by-case basis.

Proposal 3

This area lies within the Hickman Branch drainage basin of Salt Creek. It is beyond the Tier 3 area, and beyond the planning period for wastewater improvements. Wastewater has no long-range plans to provide service to this basin.



Proposal 4

This area is within the E-4 sub-basin of Stevens Creek. Future wastewater service to this area would require extension of a Stevens Creek trunk sewer and treatment facility improvements that are beyond the 25-year planning period.

Proposal 5

This area is within the E-5 sub-basin of Stevens Creek. Future wastewater service to this area would require extension of a Stevens Creek trunk sewer and treatment facility improvements that are beyond the 25-year planning period.

Proposal 6

This area is within the SW-2 sub-basin of Haines Branch. Future wastewater service to this area would require extension of a Haines Branch trunk sewer that is beyond the 25-year



Glenn Johnson
<Glenn@LPSNRD.ORG>
G>

08/14/2002 02:19 PM

To: "dross@ci.lincoln.ne.us" <dross@ci.lincoln.ne.us>
cc: Paul Zillig <Paul@LPSNRD.ORG>, Glenn Johnson
<Glenn@LPSNRD.ORG>
Subject: Comments on Comprehensive Plan Amendments No. 02001 and
02002

We have reviewed the proposed Comprehensive Plan Amendments Nos. 02001 and 0002 which include 16 proposals. The Lower Platte South Natural Resources District would offer comments on only two of the proposals, as follows:

Proposal 4, Comprehensive Plan Amendment No. 02002

The 215 acre-parcel proposed for change from Agricultural to Low Density Residential use includes the site of Stevens Creek Watershed Dam A-11-2, one of ten such dams in the Watershed. The design of the structure is completed, the right-of-way hearings for the landrights to construct and maintain the dam has been held, and negotiations for the permanent easements will begin when the appraisals are completed (yet this year). We would anticipate beginning construction on this dam in the spring of 2003. (We can provide specific plans for the acres impacted by the dam and reservoir.) We would ask that any amendment to the Comprehensive Plan recognize this planned flood control structure.

Proposal 8, Comprehensive Plan Amendment No. 02002


Nearly all of this 140-acre tract is in the 100-year floodplain, with the drainageway crossing through the middle of the property. The Lower Platte South Natural Resources District would recommend against this amendment to the Comprehensive Plan. Fill and development in the floodplain on this property could affect flooding of Highway 6, N 162nd Street, and properties both upstream and downstream. The best use for this property would be to remain in Agricultural and Agricultural Stream Corridor.

We will be unable to be represented at the meeting on Friday, August 16. Please contact me if you have any questions or wish additional information.

Memo

To: Mike DeKalb - Planning
From: Nick McElvain - LWS
Date: August 13, 2002
Subject: Comp Plan Amendment 02002

LWS has the following comments on the proposed amendments as follows:

1. Water Service to 4100 S.W. 56th Street. - To serve this property with water, approximately 3.5 miles of 16" main or larger would be required. Estimated cost of \$1.75 million. Without other customers connected, stagnant water would be a serious operational problem. This proposal is beyond proposed 25 year LWS service area.
2. Modify land use on UNL campuses - This proposal would have no affect on LWS. LWS would like to request that UNL include master metering of Downtown Campus.
3. S. 82nd & Roca Road - This proposal is beyond proposed 25 year LWS service area.
-  4. S 112th & Old Cheney Road - This proposal is beyond proposed 25 year LWS service area.
5. S. 112th & Pine Lake Road - This proposal is beyond proposed 25 year LWS service area.
6. S. W. 70th & W. Van Dorn - This proposal is beyond proposed 25 year LWS service area.
7. N. 84th & Waverly Road - This proposal is beyond proposed 25 year LWS service area.
8. Hwy 6 & 162nd Street - This proposal is beyond proposed 25 year LWS service area. You may wish to contact Waverly to see if they plan to extend their utilities that far.
9. 84th & Havelock - This area is already served by LWS. Adjacent mains in Havelock Ave should be extended by this developer.
10. N 84th & Adams - LWS mains are available west of 80th in Adams, and at Leighton near 84th. Adjacent mains in Adams and possibly 84th should be extended by this developer.
11. 70th & "O" - Adjacent mains are available.
12. 27th & Yankee Hill to 40th & Rokeby Road - This area has been designated by LWS's Master Plan to be served by the Southeast Pressure District. No adjacent mains are available. A 30 main needs to be constructed in Yankee Hill from 56th to 27th This is a future CIP project. Adjacent 24 and 16 inch mains should be extended by this developer.
13. N. W. 48th & W. Holdrege - An adjacent 16 inch main is in the current CIP and is proposed for construction early in 2003. This developer will be required to pay a connection fee proportional to their frontage on the new main.

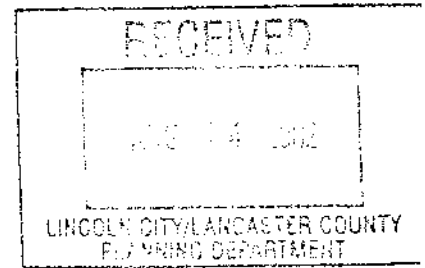
RURAL WATER DISTRICT NO. 1

LANCASTER COUNTY, NEBRASKA

P.O. BOX 98 • 310 FIR STREET

BENNET, NEBRASKA 68317

PHONE 782-3495



August 9, 2002

Mike DeKalb
Linc.-Lanc. Planning Dept.
555 S. 10th Street
Lincoln, NE 68508

Mike,

At the present time it is uncertain what implications the proposed changes Amendment number 02002 we will have with our water district. If the designated areas experience growth it is possible our existing lines will reach their capacity. At that time an assessment will be made to determine which lines will need to be increased.

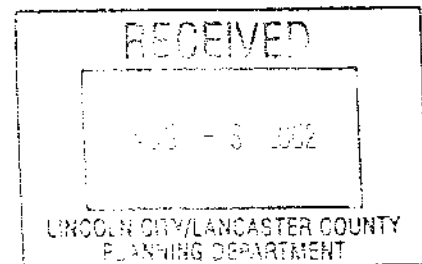
Sincerely,

A handwritten signature in cursive script, appearing to read "Ken Halvorsen".

Kenneth Halvorsen
District Manager
L.R.W.D. #1

LFR MEMO

TO: Mike DeKalb
FROM: DC John Huff *JA*
DATE: August 8, 2002
SUBJECT: Comp Plan Amendments 2002
COPIES TO: file



I have reviewed the proposed comprehensive Plan Amendments No 02002 2025 Comprehensive Plan Land Use Proposals.

Current facilities and resources are not adequate to support the needs for all of these proposed annexations, and will require additional facilities, units, and personnel as detailed below:

1. The department currently has proposed a new facility near south 56 & Pine Lake Rd. If built and staffed, this facility will adequately serve this proposal.
2. Current facilities and staff are adequate.
3. Current and proposed facilities are not within an acceptable distance to this proposed area, and may require additional resources added to the department, including a new facility and personnel.
- ④ 4. Current and proposed facilities are not within an acceptable distance to this proposed area, and may require additional resources added to the department, including a new facility and personnel.
5. Current and proposed facilities are not within an acceptable distance to this proposed area, and may require additional resources added to the department, including a new facility and personnel.
6. Current and proposed facilities are not within an acceptable distance to this proposed area, and may require additional resources added to the department, including a new facility and personnel.
7. Current and proposed facilities are not within an acceptable distance to this proposed area, and may require additional resources added to the department, including a new facility and personnel.

CASS COUNTY RURAL WATER DISTRICT NO 2

PO BOX 195
108 SOUTH 4TH STREET
ELMWOOD, NEBRASKA 68349

MANAGER: Bob West

Phone 402/994-2555
Cellular 402/430-9680
Fax 402/994-2550
Clerk: Faye Berry

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July 30, 2002

✓ Mike DeKalb, Interim Planning Director
Lincoln City-Lancaster County Planning Dept.
555 So. 10th Street
Lincoln, NE 68508

Re: Comprehensive Plan Amendment No. 02002
2025 Comprehensive Plan Land Use Proposals

Dear Mike,

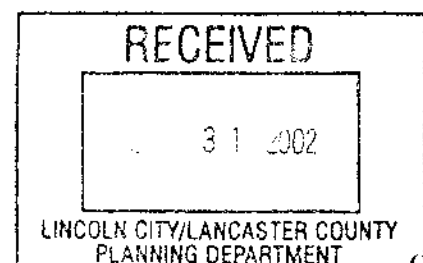
You requested a response by August 14, 2002 to your July 24, 2002 Memorandum, even if these proposals will not have an impact on us.

This is to inform you that the proposals will not have an impact on us and we will not attend the August 16th meeting.

Please contact us, if you have any questions and concerns.

Sincerely,

Faye
Faye K. Berry
Clerk



Lincoln



Nebraska's Capital City

October 21, 2002

Kent Seacrest
Seacrest & Kalkowski, P.C.
1111 Lincoln Mall, Suite 350
Lincoln, Nebraska 68508-3905

RE: Change of Zone 3370, AG to AGR
and Comprehensive Plan Amendment #02002, proposal #4
(112th and Old Cheney Rd.)

Dear Kent:

Please be aware that there were several inaccuracies and misrepresentations in your presentation to the Planning Commission on October 16, 2002, regarding the referenced change of zone and Comprehensive Plan amendment. Unfortunately, there were no questions to staff but a break was called, and thus no chance to correct the record.

1. You indicated that if this were reviewed under the "old Plan", it would be approved. That is not the case. It was shown as Agriculture in the 1994 Plan.
2. Contrary to your inference, your submittal of the change of zone on June 4, 2002, does not qualify it for approval per the Mayor's reference in item #1. Those applications all were in process prior to adoption of the new Plan on May 28, 2002. In fact, per the Mayor's policy, it should be held until the new review standards have been developed and approved.
3. You stated it will meet the "build through" standard as called for in the Plan; however, those standards have not been developed at this time.

I hope this clarifies your apparent misunderstandings. We will be including this correspondence in the staff report to the City Council. If I can be of any further assistance, please do not hesitate to contact me.

Very truly yours,

Michael V. DeKalb

Enclosure: Mayor's Acreage Development Policy dated June 11, 2002.

cc: Marvin Krout, Director of Planning
Planning Commission
Mayor Wesely

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Nebraska's Capital City

TO: Lincoln City Council
Lancaster County Board of Commissioners
City-County Planning Commission

FROM: Don Wesely *DW*
Mayor of Lincoln

DATE: June 11, 2002

SUBJECT: Acreage Development Policy within Lincoln's Jurisdiction

On May 28, 2002, the Lincoln City Council and Lancaster County Board adopted a new *Lincoln-Lancaster County Comprehensive Plan*. On the following day, I signed the City Council's resolution approving the Plan for the City. With these actions, we now have a new vision and set of policies to guide growth in the City and County over the next 25 years.

The City Law Department has indicated to me that the policies contained in this new Plan take effect immediately. This fact -- along with the requirement that a number of studies be completed to further refine the Plan's acreage policy -- has raised a procedural issue relative to new acreage in the Tier II and III growth areas. This issue most directly affects eight acreage development requests submitted to the Planning Department for review prior to the adoption of the new Plan.

As called for in the Plan, we need to complete three studies in order to implement our new acreage policy:

- (1) "Build Through" Design Standards, guidelines allowing for future acreage development to be converted to an urban-style configuration when they are brought into the City;
- (2) Cost of Service Review, an independent analysis of the economic and quality of life impacts of acreages; and
- (3) Performance Standard "Point System." allowing for higher density acreage development when certain criteria are met.

The Plan states that the studies should be finished within one year from the adoption of the Comprehensive Plan.

The decision facing us is how to review the acreage development applications submitted prior to the completion of the standards and studies called for in the Plan. This includes the eight applications already submitted (a.k.a., "applications prior to the Plan adoption") as well as future applications submitted after the Plan's adoption date.

Based upon my review of the situation and consideration of all reasonable options, I am proposing that we pursue the following course of action:

1. "Applications Prior to Plan Adoption" – It is my belief that the acreage development applications submitted prior to the adoption of the Comprehensive Plan on May 29th should be judged on the basis of standards formulated for the new Plan. While the applications were submitted in advance of the Plan's adoption, the rules of the new Plan apply today, and thus any application process subsequent to the Plan's approval should comply with the new standards. However, I also understand the consideration of "fairness" and the difficulty these transitional situations present in reviewing proposed development. As such, I am prepared in this case to support the Commission, Council, and Board should you choose to review these applications using the standards from the prior Comprehensive Plan. Each case will need to be judged on its own merits and a determination made as to its appropriateness.

2. Future Applications – In support of the ideas and direction of the newly adopted Comprehensive Plan, I believe that any application for an acreage subdivision, change of zone, or community unit plan submitted after May 29th, 2002, must be judged against the standards of the new Plan. As such, I am recommending that all such applications be deferred until the new review standards can be developed and approved.

Therefore, I will not support and intend to veto acreage development applications in the Tier II and Tier III areas of the Plan until the studies and standards described above are complete. (The Plan calls for no acreage developments in Tier I. Thus it is my intent to veto any acreage applications in this area even following the adoption of any new standards.) One exception that is acceptable would be to allow three acre agriculture zoned "cluster" development to occur in the Tier II and III areas where 80% or more of the land is set aside and no community systems are used.

3. Undeveloped Areas Currently Zoned and/or Shown for Acreage Development – I understand that undeveloped areas remain in the City's extraterritorial jurisdiction which are shown and/or zoned for future acreage development. In deference to the spirit of the new Plan, I will not oppose new acreage developments in these areas.
4. Pursue Study Initiatives – Lastly, I fully support the immediate initiation of work to craft the standards for acreage development as called for in the new Comprehensive Plan. Unfortunately the "Cost of Services Study" will require funding not available until the start of the City's new fiscal year in September. Until that time I have directed staff to begin work on those areas of the new standards that can be initiated in the interim so that the ultimate completion of this effort will not be delayed.